IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 14427 of 1997

Between:

M/s. Rahamath & Co., Rep By Its Partner- Abdul Majid,
Contonment, Vizianagaram.

..... PETITIONER

AND

The Commercial Tax Officer, West Ward,
Vizianagaram.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of a Writ of Mandamus, declaring the action of the Respondents authority in not issuing the way bills to the petitioner and demanding 4% of CST contrary to the G.O.M.S.No:890 Revenue dated 31/07/1976, as arbitrary, illegal, null and void and is without jurisdiction.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondent: SPL GP FOR TAXES

The Court made the following :

ORDER: (per Sri BRSR.J)

This Court while directing 'rule nisi' passed the interim order directing the respondents to charge CST at the rate prescribed in G.O.Ms.No.890, Revenue Dated 31.7.1976 pending further orders. The interim order so granted by this Court has worked out for itself. The cause in this writ petition does not survive requiring any further adjudication.

This order shall not preclude the petitioner to avail the remedies that may be available to it in law challenging the orders of assessment, if any, passed by the competent authority if the same is not already challenged.

(B.SUDERSHAN REDDY,J)

Dated 07..06..2005

(RAMESH RANGANATHAN,J)

msv

To

1. The Commercial Tax Officer, West Ward,
Vizianagaram.

2. 2 CCs to the Special Government Pleader for Taxes, High Court

of A.P. Hyderabad (OUT)

3. 2 CD copies.